PROPOSAL INCORPORATING WQSAC COMMENTS OF 2/9/2004 MEETING

Amend Section Env-Ws 1703.11 (#7151, eff 12-10-99) Turbidity to read as follows:

Env-Ws 1703.11 Turbidity.

(a) Class A waters shall contain no turbidity, unless naturally occurring.

(b) Class B waters shall not exceed naturally occurring conditions by more than 10 NTUs.

(c) ***No discharge shall cause turbidity to exceed background turbidity by more than 10 NTUs. Background turbidity means turbidity measured in the waterbody receiving the discharge at a location not influenced by the discharge.***

(~~c~~***d***) Waters identified in RSA 485-A:8, III shall contain no turbidity of unreasonable kind or quality.

Amend Section Env-Ws 1703.14 (#7151, eff 12-10-99) Nutrients to read as follows:

Env-Ws 1703.14 Nutrients.

(a) Class A waters shall contain no phosphorus or nitrogen unless naturally occurring.

(b) Class B waters shall contain no phosphorus or nitrogen in such concentrations that would impair any existing or designated uses, unless naturally occurring.

(c) Existing discharges containing either phosphorus or nitrogen which encourage cultural eutrophication shall be treated to remove phosphorus or nitrogen to ensure attainment and maintenance of water quality standards.

(d) There shall be no new or increased ***point source*** discharge ***of treated or untreated industrial waste or sewage containing*** phosphorus ~~in~~to lakes or ponds ***or to tributaries of lakes or ponds.***

(e) There shall be no new or increased **point or *nonpoint source*** discharge(s) containing phosphorus or nitrogen to ***lakes or ponds or to*** tributaries of lakes or ponds that would contribute to cultural eutrophication or growth of weeds or ~~algae in~~ such lakes and ponds.

Source. #7151, eff 12-10-99

Amend Section Env-Ws 1708.12 (#7151, eff 12-10-99) Transfer of Water to Public Water Supplies to read as follows:

Env-Ws 1708.12 Transfer of Water ~~to Public Water Supplies~~. ~~The transfer of waters from rivers, streams, lakes, or ponds to waters used as a public water supply shall be subject to~~ ***When water is transferred from one waterbody to another,*** the following conditions ***shall apply***:

~~(a) Both the source water in the area of the withdrawal and the receiving water shall be acceptable for water supply uses after treatment;~~

(a) Transferred water may be treated to comply with the provisions of this section

~~(b)~~ ***(b)*** The chemical***,*** ~~and~~ physical ***and biological*** ~~water quality parameters~~ ***characteristics*** of the ~~source~~ ***transferred*** water shall ~~be at least equal to the water quality of the receiving water~~ ***not adversely affect aquatic life or other designated uses in the receiving water;***

(b) The transferred water shall not contain species of aquatic life that would adversely affect the species of aquatic life in the receiving water;

(c) The ~~biological characteristics of the source water shall be compatible with those of the receiving water and shall not contain species of aquatic life that would adversely affect the species of aquatic life in the receiving water,~~ ***withdrawal of water shall not adversely affect the physical or chemical characteristics, the aquatic life or other designated uses in the source water***; and

(d) The transfer and withdrawal ***shall both be considered significant under Env-Ws 1708.09, for the purposes of antidegradation review.*** ~~comply with the antidegradation provisions of this part.~~

Source. ~~#7151, eff 12-10-99~~

Amend Section Env-Ws 1705.02 effective 12-10-99 (Document #7151) Low Flow Conditions to read as follows:

Env-Ws 1705.02~~Low Flow Conditions~~ ***Application of Criteria in Computations for Establishing Discharge Permit Limits***

~~(a) The flow used to calculate permit limits shall be as specified in (b) through (d) below.~~

(a) Acute aquatic life criteria for toxic substances shall not be exceeded for more than 1 day in every three years, on average. Check EPA words – one hour question

(b) Chronic aquatic life criteria for toxic substances shall not be exceeded for more than 4 consecutive days in every three years on average. Check EPA words

(~~b~~***c***) For rivers and streams, the long-term harmonic mean flow, which is ***the number of*** daily flow measurements divided by the sum of the reciprocals of the daily flows, shall be used to develop ***discharge*** permit limits for ~~all~~ human health criteria for carcinogens.

(~~c~~***d***) For tidal waters, the low flow condition ***for computing discharge permit limits*** shall be equivalent to the conditions that result in a dilution that is exceeded 99% of the time.

(e) For each pollutant, modeling methods for establishing discharge permit limits that meet the requirements of (a) and (b) above may be either steady-state or time-dependent. A steady state modeling method is one in which model input parameters including flow and pollutant concentrations are assumed to be constant with time in the discharge and in the receiving water. A time-dependent modeling method is one in which model input parameters, including discharge flow, discharge pollutant concentrations, and receiving water flow and receiving water pollutant concentrations may vary with time.

(~~d~~***f***) For ***steady state modeling of*** rivers and streams, the 7Q10 flow shall be used to apply ***chronic*** aquatic life criteria and human health criteria for non-carcinogens.

(g) For steady state modeling of rivers and streams, the 1Q10 flow shall be used to apply acute aquatic life criteria.